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General Assembly
Sixty-sixth session

Official Records

47th plenary meeting
Tuesday, 1 November 2011, 3 p.m.
New York

President: Mr. Al-Nasser ..... (Qatar)

In the absence of the President, Mr. Thomson (Fiji), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 115 (*continued*)

Appointments to fill vacancies in subsidiary organs and other appointments

(g) Appointment of members of the Joint Inspection Unit

Note by the Secretary-General (A/66/509)

The Acting President: A note by the Secretary-General, which has been circulated as document A/66/509, informs of the resignation of Inspector Enrique Román-Morey of Peru, effective as of 31 October 2011. Inspector Román-Morey was appointed by the General Assembly on 9 October 2007 for a five-year term of office, beginning on 1 January 2008 and expiring on 31 December 2012. In accordance with article 4, paragraph 5, of the statute of the Joint Inspection Unit, the Chairperson of the Unit notified the Secretary-General, on 6 September, of the vacancy and of his decision to waive the requirement of six months' notice, stipulated in article 4, paragraph 3, of the statute. As a result of the resignation of Inspector Enrique Román-Morey of Peru, the General Assembly is required, during the sixty-sixth session, to appoint a member to fill the vacancy in the Joint Inspection Unit.

It is further stated in the note of the Secretary-General that, in order for consultations to be held as stipulated in article 3, and to align the term of office with that of the other inspectors, the Assembly may wish to consider filling the vacancy for a term of office beginning on 1 January 2012 and expiring on 31 December 2016.

In that connection, may I take it that it is the wish of the General Assembly to fill this vacancy for a term of office beginning on 1 January 2012 and expiring on 31 December 2016?

It was so decided.

The Acting President: As also indicated in document A/66/509, in accordance with article 3, paragraph 1, of the statute of the Joint Inspection Unit, the President of the General Assembly shall consult with Member States to draw up a list of countries — in this case, one country — that would be requested to propose a candidate for appointment to the Joint Inspection Unit.

After holding the necessary consultations, I should like to communicate to the Assembly that five countries, namely, the Plurinational State of Bolivia, Haiti, Honduras, Mexico and Peru, have decided to present their candidatures for the one vacancy from among the Latin American and Caribbean States.

Since, from among the Latin American and Caribbean States, there is no single endorsed candidate for the one vacancy, I should like, in accordance with past practice, to consult with Member States through

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the procedure of holding an advisory vote by secret ballots, to select one country from among the Latin American and Caribbean States to be requested to propose a candidate for appointment to the Joint Inspection Unit.

Although this advisory vote is not an election, we shall follow the rules of procedure of the Assembly governing elections. If there is no objection, I shall take it that the General Assembly agrees to that procedure?

It was so decided.

The Acting President: In accordance with existing practice, the country receiving the greatest number of votes, and not less than a majority of the votes of those present and voting, shall be the country selected to propose a candidate for appointment to the Joint Inspection Unit.

Also, consistent with past practice, in the event that, owing to a tie vote, it becomes necessary to determine the candidate to be elected, there will be a special restricted ballot limited to those candidates who have obtained an equal number of votes.

May I also take it that the General Assembly agrees to those procedures?

It was so decided.

The Acting President: May I remind members that the Assembly is not appointing members to the Joint Inspection Unit at this time. It is only selecting one country, which will be requested to propose a candidate. Therefore, only the name of a country, and not the name of an individual, should appear on the ballot paper.

The Assembly will now proceed to the selection of one country from among the Latin American and Caribbean States, which will be requested to propose a candidate to fill the vacancy in the Joint Inspection Unit.

Before we begin the voting process, I should like to remind members that, pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

Ballot papers will now be distributed. May I request representatives to write on the ballot paper the name of the one State for which they wish to vote. Ballot papers containing more than one name will be declared invalid. If a ballot paper contains the name of a Member State that does not belong to the Latin American and Caribbean region, that ballot paper will be declared invalid. Ballot papers bearing the name of an individual will not be counted at all.

At the invitation of the President, Ms. Anna Ruski (Bulgaria), Mr. Juan Pablo Espinoza (Chile), Ms. Anna Reich (Hungary), Mr. Amin Javed Faizal (Maldives), Mrs. Jamila Alaoui (Morocco) and Ms. Caroline Payne (United Kingdom) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 3.25 p.m. and resumed at 3.50 p.m.

The Acting President: The result of the voting is as follows:

Latin American and Caribbean States	
Number of ballot papers:	175
Number of invalid ballots:	2
Number of valid ballots:	173
Abstentions:	0
Number of members voting	173
Required majority:	87
Number of votes obtained:	
Honduras	107
Haiti	26
Peru	17
Mexico	12
Plurinational State of Bolivia	11

Having obtained the required majority and the greatest number of votes, Honduras was selected to propose a candidate for appointment to the Joint Inspection Unit.

The Acting President: In accordance with article 3, paragraph 1, of the statute of the Joint Inspection Unit, Honduras will be requested to submit the name of a candidate and his or her curriculum vitae highlighting the candidate's relevant qualifications for the tasks ahead.

I would like to remind members that, in accordance with resolution 59/267, of 23 December 2004, the candidate should have experience in at least

one of the following fields: oversight, audit, inspection, investigation, evaluation, finance, project evaluation, programme evaluation, human resources management, management, public administration, monitoring and/or programme performance, as well as knowledge of the United Nations system and its role in international relations.

After holding the appropriate consultations described in article 3, paragraph 2, of the statute of the Joint Inspection Unit, including consultations with the President of the Economic and Social Council and with the Secretary-General in his capacity as Chairman of the United Nations System Chief Executives Board for Coordination, the President of the General Assembly will propose the name of the candidate to the Assembly for appointment to the Joint Inspection Unit.

We have thus concluded this stage of our consideration of sub-item (g) of agenda item 115.

Agenda item 75 (*continued*)

Report of the International Criminal Court

Note by the Secretary-General (A/66/309)

Report of the Secretary-General (A/66/333)

The Acting President: Members will recall that the General Assembly considered this item at its 44th plenary meeting on 26 October 2011. We shall now hear the remaining speakers.

Mr. Silva (Brazil): I join others in thanking the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, for his statement last week (see A/66/PV.44) and for the presentation of the seventh report of the Court to the General Assembly (see A/66/309). I commend him and the other judges of the Court on their decisive role in contributing to the rule of law and to the cause of justice. We are proud to have contributed to this process through the work of Judge Sylvia Steiner, a Brazilian national.

Brazil attaches great importance to the development of international law provided by the Rome Statute, which established the first permanent, treaty-based court to try individuals accused of having committed the most serious crimes of international concern. The independence of such an important judicial institution is the foundation of its legitimacy in bringing accused persons to justice, with fairness and with full respect for their rights. Brazil believes that the values enshrined in the preamble of the Rome Statute are truly universal in nature. That is why we have always been supporters of the Court's universality.

In that regard, we note with satisfaction that, during the period covered by the report, Grenada, the Republic of Moldova, Saint Lucia, Seychelles and Tunisia deposited their instruments of ratification or accession. Since that time, Tunisia, Maldives and Cape Verde, a member of the Community of Portuguese-speaking Countries, have joined the Court, bringing the total number of States parties to the Rome Statute to 119 countries. We warmly welcome all of them. We hope that more States, large and small, on all continents, will ratify the Rome Statute in the near future. In South America, as is well known, all countries are parties to the ICC and are strong supporters of the Court's contribution to the cause of international justice.

The period covered by the report shows that the Court is currently facing an unprecedented workload. The ICC is now seized of seven open situations, given the fact that Pre-Trial Chamber III recently authorized yet another investigation. The number of individuals subject to proceedings before the Court increased from 15 to 25 persons. In that context, it is important that the Court be granted all the necessary means for the timely discharge of its judicial functions.

Brazil continues to stress the importance of cooperation between the International Criminal Court and the United Nations. We attach particular importance to efforts aimed at reinforcing rule of law activities, such as those that support the domestic capacity of States to prosecute serious crimes. States have a sovereign responsibility to deliver justice and promote law enforcement. They must be supported in their efforts to reinforce their national institutions, so that the Court can function as a court of last resort.

The next Assembly of States Parties will be particularly busy, as elections will be involved. In less than two months, that Assembly will elect six new judges and a new prosecutor. Brazil wishes them every success in the discharge of their duties. I would like to express, once again, Brazil's full support to the ICC and our appreciation to President Sang-Hyun Song.

Mr. Kamau (Kenya): Kenya wishes to align itself with the statement made by the Permanent Representative of the United Republic of Tanzania on

behalf of the African States Parties to the Rome Statute.

My delegation appreciates the report of the International Criminal Court (ICC) on its activities for the period 2010-2011 (see A/66/309), which highlights some of the developments since the previous report (see A/65/313). We note the increased workload of the Court and the concomitant challenges, which call for increased efforts to ensure that the Court remains effective in the execution of its mandate. We commend the President of the Court, Judge Sang-Hyun Song, for his leadership in steering the Court towards realizing the objectives for which it was established.

In that regard, Kenya believes that the Court has indeed staked out an important role for itself in helping the world fight impunity for perpetrators of the crime of genocide, crimes against humanity, war crimes and the crimes of aggression.

Kenya remains committed to its obligations under the Rome Statute and under the rule of law and natural justice. Furthermore, the Government of Kenya has continued to cooperate with the Court, as well as to facilitate its work. Most recently, the Court opened a liaison office in Kenya, and the Government has granted that office, along with its officers, full diplomatic privileges and immunities.

As we facilitate the Court's work in Kenya, we are of course deeply aware that it is the primary responsibility of Kenya to exercise criminal jurisdiction over those responsible for crimes committed in Kenya, including during the post-election violence of 2008. The Government has made commendable progress in the process of investigating and prosecuting all those suspected of involvement in the post-election violence. Indeed, under Kenya's new Constitution, extensive reforms within the justice system have been undertaken to ensure the fair and transparent administration of justice for all. Some of those reforms include the appointment of a new chief justice, attorney general and deputy chief justice, along with the first-ever Supreme Court judges, 28 new high court judges and a new director of public prosecutions — all of whom were recruited through a rigorous and transparent public recruitment process. The systematic restructuring of the police force is ongoing and will receive its final form under the national police service bill of 2011, once it becomes law.

Equally important, the political institutions of the executive and Parliament will also undergo restructuring to ensure an improved enabling environment for the administration of justice and the protection of human rights.

Kenya believes in the rule of law at the national and international levels and considers the Rome Statute to be an instrument for further institutionalizing the rule of law and fighting impunity. We therefore encourage States that are not parties to the Statute, particularly those on the Security Council, which is entrusted with the role of making referrals under article 13 and 15 ter and deferrals under article 16 of the Statute, to become States parties. That would bind them by the same principles as those over which they wish to adjudicate and on which they wish to pronounce themselves within the Security Council. The moral imperative of that point, as well as the corresponding jurisprudential contradiction, ought to be self-evident.

Kenya joins other Member States in applauding the States that have ratified the Rome Statute since the last report, bringing the number from 111 to 119.

Maintaining public confidence in any justice system depends on the ability of that system to uphold the rule of law and the principles of natural justice. Those are fundamental elements that are enshrined in the spirit and the letter of the Rome Statute in order to ensure that justice is not only done, but that it is manifestly also seen to be done.

Unfortunately, there is a growing perception that the Court is unfairly and selectively targeting certain countries, particularly in Africa. There is also a perception that ownership of the Rome Statute has been usurped, as if to suggest that the Statute and the Court are meant to serve some States and not others. Such perceptions undermine an institution that was created with very noble intentions, and threatens to erode all confidence in the Court. When we fight impunity and promote the rule of law at the international level, we should not substitute impunity at the national level with impunity and high-handedness at the international level through selective and prejudicial application of the principles and articles of the Rome Statute. The Court needs therefore to candidly inquire why some States parties continue to be disgruntled and alienated within the ICC. That process should be followed by the institution of actions

that will ensure respect for the rule of law and the principles of natural justice as enshrined in the spirit and letter of the Rome Statute.

Let me conclude by stating that the social fabric of our international order is based, among other things, on the principles of sovereignty and the equality of States, on the immunity of officials that exists under customary international law and on the peaceful coexistence among States. Those fundamental principles should not only guide the work of the Court in relation to States but should also do so with respect to the role of the Security Council, as provided under the Rome Statute.

As we continue the process of identifying the next prosecutor of the Court, we look forward to seeing a prosecutor who will work with the Court to ensure that those fundamental legal outcomes and legal doctrines are upheld in the application of the Rome Statute.

Mr. Loy (United States of America): Before I begin, I would like to express my country's profound condolence to the people of Italy on the death of Judge Antonio Cassese, an eminent scholar and jurist, who made a lasting contribution to international criminal law. We would also like to thank President Sang-Hyum Song for his report (see A/66/333) and for his service to the International Criminal Court (ICC).

Although the United States is not a party to the Rome Statute, we remain steadfastly committed to promoting the rule of law and to the principle that those responsible for serious violations of human rights and international humanitarian law should be held to account. We will continue to play a leadership role in righting those wrongs when they have been committed and, in concert with the international community, acting on early warning signs to prevent atrocities from occurring in the first place. We recognize that the International Criminal Court plays a key role in bringing perpetrators of the worst atrocities to justice.

We were pleased to cast our first vote in favour of an ICC referral by the Security Council earlier this year, which reflects our continued engagement with the ICC and States parties to the Rome Statute to end impunity for the worst crimes. Just as we are engaging with the States parties on issues of concern, the Obama Administration also supports the ICC's prosecution of those cases that advance United States interests and values, consistent with the requirements of United States law.

We continue to support positive complementarity initiatives by assisting countries in their efforts to develop domestic accountability processes for Rome Statute crimes. The ICC, by its nature, is intended to examine only those accused of bearing the greatest responsibility for the gravest crimes within its jurisdiction. It depends on States to complement the work of the ICC with national-level prosecutions.

In that regard, over the past year, we supported the efforts of the Government of the Democratic Republic of the Congo to draft legislation establishing specialized mixed courts. We will continue to assist efforts to strengthen the capacity and the independence of the Congolese judicial system in order to achieve justice for the victims of sexual violence and other grave crimes. We supported a pilot project in the Democratic Republic of the Congo to protect witnesses and judicial officers in sensitive and challenging cases, and are expanding that kind of witness-protection support. We are looking for additional ways to support domestic prosecutions in other countries.

Despite the good work that has already been done, important challenges remain. In particular, reparations and coordinated and effective witness and judicial protection remain key gaps that must be filled. Finally, my delegation's concerns about the amendments adopted last year in Kampala are well known, and were set forth in last year's debate on this agenda item. (see A/65/PV.41, p. 26)

The United States looks forward to continuing its participation as an observer at meetings of the Assembly of States Parties at the upcoming session in New York this December.

Mr. Delgado Sánchez (Cuba) (*spoke in Spanish*): The delegation of Cuba takes note of the report of the International Criminal Court contained in document A/66/309. The establishment of an impartial, non-selective, effective and fair international criminal jurisdiction that is complementary to national justice systems and genuinely independent, and therefore free of subjugation to political interests that could distort its essence, continues to be an objective that Cuba supports.

However, given the limitations to its independence, the International Criminal Court was

tainted from the outset owing to how its relationship with the Security Council was defined. Article 16 of the Rome Statute authorizes the Security Council to suspend investigations or prosecutions carried out by the Court. That provision remains the case, despite the outcome of the Review Conference of the Rome Statute, held in Kampala in 2010.

The referral of the case of Libya to the International Criminal Court by the Security Council revealed once again a negative trend that Cuba has repeatedly condemned. The Security Council, in violation of the principles of international law and treaty law, continues to refer cases to the International Criminal Court that involve facts and citizens of States that are not party to the Rome Statute.

The very resolutions of the Security Council are proof of that organ's policy of double standards, since those very resolutions stipulate that crimes committed by the forces of Powers that are members of the Council and not party to the Rome Statute cannot be investigated. The Court cannot be a tool to attack developing countries and to provide impunity to developed countries with regard to their aggressions.

Such irresponsible conduct by the Security Council not only affects the supposed impartiality and independence that should be a hallmark of the International Criminal Court. It also threatens the legitimacy of the undemocratic and unrepresentative decisions of the Security Council. At that rate, we will soon be talking of reforming not only the Security Council but also the International Criminal Court and its Statute.

We would like to reiterate our concern about the serious precedent set by the decisions of the Court to initiate proceedings against nationals of States non-parties to the Rome Statute, States that have not even accepted the jurisdiction of the Court, pursuant to article 12 of its Statute. The Cuban delegation reiterates that the legal principle regarding a State's consent to be bound by a treaty, as provided for in article 11 of part II of the Vienna Convention on the Law of Treaties, of 23 May 1969, must be respected.

As a complement to national criminal jurisdictions, the integrity of the International Criminal Court must be preserved. The Court must remain impartial and fully independent of the political bodies of the United Nations, in particular those that are undemocratic and unrepresentative in their work. Such bodies should not hamper or affect its functioning. The responsibilities of the Security Council under the Charter should not limit the Court's role as an independent judicial body.

For more than 50 years, Cuba has been subjected to various forms of aggression, which, as a result of the unilateral and extraterritorial actions underlying that aggression, have caused thousands of deaths and injuries and incalculable material, economic and financial damage. The definition of the crime of aggression reached in Kampala is more limited that Cuba had hoped for. We missed the opportunity to establish a generic definition that would cover all the forms of aggression that are manifest in international relations among States. Such forms are not limited to the use of armed force, but include those that affect the sovereignty, territorial integrity and political independence of States.

In conclusion, we reaffirm our resolve to contribute to the implementation of truly impartial international criminal law that respects the standards of international law, in particular the United Nations Charter.

Mr. Ulibarri (Costa Rica) (*spoke in Spanish*): Costa Rica is grateful for the detailed and comprehensive report submitted by the President of the International Criminal Court, Judge Sang-Hyun Song, whose leadership and vision we acknowledge (see A/66/309). We reiterate our support for the Court as an essential component of the architecture of international law, in particular as an essential institution in fighting impunity for the worst crimes against humanity.

As the Court approaches its tenth anniversary next year, we are pleased to see an increasing number of States adhering to, and ratifying, the Rome Statute.

The report submitted by President Song, which covers the period from 1 August 2010 to 31 July 2011, indicates that five States ratified the Rome Statute during the period: Grenada, the Republic of Moldova, Saint Lucia, Seychelles and Tunisia. Subsequently, the Philippines, Maldives and Cape Verde also ratified it. We welcome them all and are pleased that 119 States have now joined the Court. While this figure is encouraging, it also makes clear how much remains to be done in order for the universalization of the Court to be achieved. We call on those States that are not yet parties to the Rome Statute to accede to it as soon as possible, with a view to strengthening and promoting

the comprehensive character of international justice and, as a result, peace and human rights.

Costa Rica would like to address three specific aspects that are of particular interest to it with respect to the Court.

First, we share the concerns expressed by President Song regarding the lack of compliance on the part of certain States parties with the clear and irrecusable responsibilities that derive from the Rome Statute. It is particularly serious that this lack of compliance is reflected in the refusal to execute outstanding arrest warrants. There is no valid legal reason to persist in this type of conduct, and, even worse, in the challenge that is implied by hosting on the territory of any State party individuals who are the subjects of such arrest warrants.

We hope that the report on possible proceedings of the Assembly in relation with non-cooperation, which was adopted unanimously by the bureau, will help to address this major challenge. It is even more important, however, that States fully shoulder their responsibilities and that those States that are subordinating their commitments under the Rome Statute to other considerations change their attitude.

An additional source of concern is the financial situation of the Court and the possibility that, as a result of budgetary constraints, its important work could be jeopardized. The efforts of the Court have increased substantially during the period covered by the report, as is made clear therein, and will continue to increase in future. This is due to the gravity of the violations of human rights and of human dignity under consideration and also to the greater recognition accorded the essential character of the Court.

However, as its workload has increased, its budget has shrunk in real terms, and a number of important member States have insisted on the implementation of indiscriminate zero-growth policies that do not duly take into account the internal workings of the Court or the external challenges that it faces.

We hope that this issue will be considered at the next Assembly of States Parties, with patience, realism, goodwill and keeping in mind two key factors: the need for continuing improvements in the efficacy and efficiency of the work of the Court, and the commitment to invest in international justice, with the understanding that its benefits for peace, coexistence and human dignity vastly outweigh its costs.

The third element that my delegation wishes to address is cooperation between the Court and the United Nations, which is derived from two essential sources: article 10 of the Relationship Agreement between the two organizations, signed on 4 October 2004, and article 13 of the Rome Statute, on the exercise of powers by the Security Council. This cooperation has developed in a sound manner and has led to tangible achievements for both bodies that are linked to the central and shared objectives of the promotion of international justice, peace and human rights.

However, it is necessary to recall that any referral from the Council to the Court, significant as it may be, also implies unforeseen obligations. It would be fair, therefore, if the resulting costs were to be compensated by the United Nations — something that has not occurred to date. We trust that reasonable arrangements will be arrived at in this area as well.

At the next Assembly of States Parties, to be held in December, we will elect six judges and the successor to the Prosecutor. That will be a crucial time for the future of the Court. Our country is fully committed to shouldering, in a responsible and clear-thinking manner, our responsibilities with respect to these two processes and the work of the Court in general.

We would like to take this opportunity also to express appreciation for the leadership of and the impact made on the independence of the organization by Prosecutor Luis Moreno-Ocampo, as well as by the President of the Assembly of States Parties, Ambassador Christian Wenaweser of Liechtenstein, whose mandate is also coming to an end, and we convey our gratitude to both. We also welcome the fact that Ambassador Tiina Intelmann of Estonia has been recommended by the Bureau to take the helm of the Assembly for the next three years.

We are certain that, with the contribution of all States parties of the United Nations and of responsible organizations representing civil society, we will move in the right direction and consolidate the gains made.

Mr. Troya (Ecuador) (*spoke in Spanish*): Allow me at the outset to convey the gratitude of the delegation of Ecuador for the presentation of the seventh annual report on the activities of the

International Criminal Court (ICC) (see A/66/309), which we received from the President. The report reflects the painstaking work done by that high Court to resolutely combat impunity, which, in the name of peace, can never be tolerated.

From the outset, Ecuador has been a strong supporter of the establishment and consolidation of the International Criminal Court, and we would like to take this opportunity to ratify our commitment to further strengthening the ICC and the Rome Statute as the sole mechanisms for the achievement of the implementation of an international criminal justice system. We welcome the inclusion of Maldives, the Philippines, Cape Verde, Grenada, the Republic of Moldova, Saint Lucia, Seychelles and Tunisia to the Rome Statute, which brings to 119 the number of countries that recognize the jurisdiction of the ICC.

Following the commitments that were made at the Kampala Review Conference, progress has been made in a number of areas that are key to the further strengthening of the Court. Fundamental concepts such as the universalization of the Statute, complementarity and cooperation between States and the Court, as well as support for victims and for affected communities, were the subject of discussion, with the active participation of my country's delegation, which attended the Conference.

However, Ecuador remains of the view that a great deal of ground remains to be covered and that much remains to be done in a number of areas that are of particular importance to my delegation. In particular, my delegation deems it indispensable that we ensure the independence and autonomy of the Court, gradually eliminating any political interference that may stem from any of the organs of the United Nations.

The consensus that was achieved at the Kampala Conference regarding the definition of the crime of aggression required significant sacrifices on the part of delegations such as my own, which had hoped for a clearer, more stringent article that would have prevented any future abuse of military power and flagrant violations of the sovereignty of States. As a result, we call for all necessary efforts to ensure that the provisions regarding the crime remain fully in force in 2017, without excuses or delays.

For Ecuador, the progressive universalization of the Rome Statute and of the jurisdiction of the International Criminal Court is an objective that cannot be given up. Beyond immediate political considerations, it is indispensable that we progress towards the creation of authentic international criminal justice with jurisdiction to address even the most horrendous crimes and to punish the perpetrators regardless of their nationality, their position or their duties.

Article 80 of the Constitution of the Republic of Ecuador confirms that there is no statute of limitations for the crime of genocide, crimes against humanity, war crimes and crimes of aggression. We are currently in the process of aligning various bodies of our national legislation to the text and spirit of the Rome Statute, thus strengthening the prohibition of the crimes of torture, forced disappearance and summary executions, inter alia.

Moreover, timely and appropriate reparation for all victims of crimes that are submitted to the jurisdiction of the International Criminal Court is a substantial element of justice. Therefore my delegation welcomes the efforts to strengthen the Voluntary Fund for victim compensation, as well as the efforts of various entities and Governments in this regard.

The delegation of Ecuador fully supports the work of all working groups, particularly the search committee for the post of Prosecutor, whose efforts are fundamental for the future of the Court.

The Government of Ecuador has made consistent efforts to ensure that the International Criminal Court is equipped with the necessary funds to ensure its efficient functioning. There is no justification for allowing tasks of undoubted importance, such as protection of witnesses and victims, as well as the work of the Prosecutor, to be jeopardized as a result of insufficient funding.

We are on the threshold of a renewal process that will involve the judges and Prosecutor of the Court and the President and Bureau of the Assembly of States Parties. It is part of an enriching democratic exercise that merits the strongest support, a process that my country applauds and is following closely.

Allow me to conclude by affirming that the delegation of Ecuador echoes the call to maintain and strengthen a constructive and efficient relationship among the Court and the various organs of the United Nations. We are committed to strengthening the

institutionality of the Court. We believe that the effort is a joint undertaking in which we should participate in a constructive manner in order to achieve the goals we have set ourselves.

Mr. Falouh (Syrian Arab Republic) (*spoke in Arabic*): My country participated in the Rome Conference that culminated in the adoption of the Statute of the International Criminal Court (ICC) in 1998. It also signed the Rome Statute.

The Rome Statute of the ICC was designed to end impunity for those who committed the crimes listed in the Statute, which reaffirms in its preamble

> "the Purposes and Principles of the Charter of the United Nations, and in particular that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations".

The preamble also emphasizes that

> "nothing in this Statute shall be taken as authorizing any State Party to intervene in an armed conflict or in the internal affairs of any State".

The Rome Statute reaffirms that the jurisdiction of the Court is invoked only when the national judicial system fails to use its jurisdiction. It also confirms that the main and primary jurisdiction of the national law is in realizing justice on its territories and in cases that are under its jurisdiction and mandate.

It is really disconcerting that the idea of international criminal justice is being used as a pretext to implement political agendas totally alien to well-known norms and rules of international law and the purposes and principles of the United Nations. It is also regrettable that some countries refer to my country, Syria, in their statements, using this rostrum, this item and this legal organ to turn the facts upside down, to level accusations and to present misrepresentations and falsifications. They use or misuse law and place it at the service of politics to serve their own logic for interfering in the internal affairs of States.

I do not believe that delegations that participated in the Rome Conference thought that the coveted codification of international criminal law would at some point be used in the service of political agendas. I believe they never thought then that the Rome Statute of the ICC would one day be used as a pretext to topple regimes or to interfere in the internal affairs of States. None of the jurists who participated in the drafting of the Statute ever thought that the idea of the definition of the crime of aggression would be diluted to serve the aggressor State, nor did they ever dream that certain States that commit crimes that come under the jurisdiction of the Court would be exempt from accountability and punishment and would be overlooked because of considerations that are completely contradictory to the principles of justice and equality.

We would have hoped that the Australian delegation would talk to us about the Iraqi women and children who emigrated and whose bodies were devoured by sharks, in full view of Australian ship crews in the Java Sea. We would have wished that they would tell us of justification for the situation of thousands of people in detention camps, in shanty towns established on the northern coast of Australia, lacking any medical care, because they are illegal immigrants.

My country has experienced unrest. The time available here will not permit me to discuss this in detail. My country has previously explained the circumstances surrounding the unrest, as well as the measures that the Syrian Government has taken to restore peace, stability and the rule of law in the areas marred by unrest.

We would, however, like to reaffirm once again that the Syrian Government is serious about implementing the promised reforms. Actually, it has already started implementing legal, legislative, judicial, social and political reforms. I would also like to stress that the Syrian authorities are undertaking their legal and judicial responsibilities in full in order to implement the law and bring to justice anyone who violates the law, regardless of their character or post.

The Independent Judicial Commission that has been established is fulfilling its mandate by referring anyone implicated in an illegal act to the national court system, so that the necessary legal measures can be taken while preserving all the rights of the accused and the victims at the various stages of court proceedings.

I sincerely call upon everyone to reread the provisions of the Charter and to revive the spirit of

those provisions in order to improve relations among States Members of the United Nations.

The Acting President: We have heard the last speaker in the debate on agenda item 75. The General Assembly has thus concluded this stage of its consideration of agenda item 75.

The meeting rose at 4.40 p.m.